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FISCAL IMPACT STATEMENT

LS 6960

BILL NUMBER: HB 1216

NOTE PREPARED: Jan 9, 2008

BILL AMENDED:

SUBJECT: Forensic Data Base for Missing Children.

FIRST AUTHOR: Rep. Dembowski

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☒ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill requires the Clearinghouse for Information on Missing Children (clearinghouse) to accept and make available to a law enforcement agency the DNA profiles, dental records, and fingerprints of missing children, including DNA profiles, dental records, or fingerprints that are voluntarily submitted to the clearinghouse by the parent, guardian, or custodian of a child.

The bill requires the clearinghouse to submit DNA profiles, dental records, and fingerprints to: (1) the Indiana Data and Communication System (IDACS); (2) the National Crime Information Center (NCIC); (3) the Integrated Automated Fingerprint Identification System (IAFIS); or (4) any other data base that contains information concerning missing children.

This bill also permits the State Police Department to charge a reasonable fee to defray the clearinghouse's expenses for receiving, processing, and submitting fingerprints, dental records, and DNA profiles. It establishes the Missing Children's Fund to receive fees for receiving, processing, and submitting fingerprints, dental records, and DNA profiles, as well as gifts, grants, and other donations. The bill requires the Criminal Justice Institute to pursue federal funds to support the Missing Children's Fund. It also continuously appropriates money in the fund for purposes of the fund.

The bill provides that a law enforcement report concerning a missing child may include DNA profiles, dental records, or fingerprints. It also requires a law enforcement agency that receives a notification of a missing child to notify the missing child's parents, guardians, or custodians that the child's DNA profile, dental records, and fingerprints may be submitted to the clearinghouse. This bill makes an appropriation.

Effective Date: July 1, 2008.

Explanation of State Expenditures: The provisions of this bill require fingerprints, dental records, and DNA profiles to be included in the identification and investigative information submitted to a law enforcement agency. Legal guardians of reported missing children are allowed to voluntarily submit DNA profiles, dental records, and fingerprints to the clearinghouse. The clearinghouse is then required to submit this information to the (1) Indiana Data and Communication System, (2) National Crime Information Center, and the Integrated Automated Fingerprint Identification System within 5 days of receiving the information.

When Indiana State Police (ISP) receive a written notification from the missing child's legal guardian that the child is no longer missing, the bill requires ISP to have all information of a missing child removed from state record keeping systems and petition the information also be removed from the NCIC, IAFIS, and any other clearinghouse the information was originally submitted to.

Any law enforcement agency that receives a report of a missing child would be required to include the DNA profile, dental records, and fingerprints of a missing child that are submitted in a missing child's report. Law enforcement agents are responsible for informing parents of missing children of the option to include this information in the child's report.

These provisions can increase the workload of ISP and the Criminal Justice Institute. The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Background Information: In FY 2007, the Criminal Justice Institute reverted \$49,000 and Indiana State Police reverted \$185,000 to the General Fund.

Information on IDACS, NCIC, AFIS, and IAFIS: IDACS is a state-operated information system that contains identifying information for offenders as well as missing persons, both juvenile and adult. This database contains information regarding the location of DNA evidence (not DNA itself), dental record coded information, and other identifying information that can be used to find a missing person. Information contained in the NCIC is of a similar nature; it contains information regarding the location of DNA evidence (not DNA itself), dental record coded information, and other identifying information that can be used to find a missing person. IAFIS is a federally operated system that allows for interstate communication of fingerprint records, while the AFIS system is operated and maintained by the state and intended for intrastate communication of fingerprint records. ISP reports there is currently no way to put a child's fingerprints into the AFIS system. AFIS only stores offender fingerprints and information.

ISP reports that the bill requires the state to provide identifying information to specific information databases that do not have the capabilities to upload this information, and federal guidelines provide mandatory requirements for maintaining this information. ISP states that violating these guidelines may potentially result in lost or reduced federal funding. Indiana receives federal funding under the National Criminal History Improvement Program (NCHIP), which is a block grant intended to improve data communication between state and federal data systems, one of which is IAFIS and AFIS.

Currently, the Indiana Missing Children Clearinghouse operates a database dedicated to maintaining

information pertaining to missing children. Fingerprints are maintained by the originating department if they are provided by the parents or legal guardian. When a missing child is reported, the report is put into IDACS and NCIC. ISP reports that DNA can be attached to this file, provided it is a missing child case, and database administrators are not allowed to accept DNA information from people that submit the information without a qualifying purpose. This information must also be analyzed by an approved lab in Indiana, of which there are only two; one administered by ISP and the other located in Marion County. Currently, according to ISP, there is no way to put a child's fingerprints into the AFIS system. AFIS only stores offender fingerprints and information.

ISP also reports that requiring the state-operated systems (AFIS and IDACS) to provide this information in a searchable method would require changes to the current system's software and hardware in order to provide this information and make this information searchable within the state. Additionally, ISP reports that any changes made with IDACS would have an additional requirement that any changes still allow for compatibility with the NCIC database for constant communication. Costs for the necessary changes will depend on administrative decisions.

Explanation of State Revenues: Fees charged for the voluntary submission of this information are collected by the State Police Department and deposited in the Missing Children's Fund established in the legislation. The fund is a nonreverting account and consists of fees deposited into the fund and any donations, grants, or gifts received. Expenses of administering the fund are paid for by money in the fund. Money in the fund is continuously appropriated for the purpose of the fund.

Fees collected for the collection and inclusion of the specified information will increase the revenue dedicated to the Missing Children's Fund. As fees are not intended to be assessed above the cost of providing the service, revenue from fees should not increase the balance of the account. Revenue to the fund will increase depending on the number and amount of any donations, gifts, or federal grants received.

Explanation of Local Expenditures: Local law enforcement agencies that receive a report of a missing child must include identifying information submitted by the legal guardian that will aid in locating or identifying the child. This may increase the workload of local law enforcement agencies to the extent that legal guardians of missing children submit information to local law enforcement agencies.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police, Criminal Justice Institute, Treasurer of State.

Local Agencies Affected: Local law enforcement agencies.

Information Sources: Andre' Clark, Indiana State Police; Indiana State Police IDACS Operator's Manual; NCIC Missing Person File Data Collection Entry Guide; Sherry Beck, Indiana State Police.

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